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# Global Climate

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*Originally published in:  
Yearbook of International Environmental  
Law, vol. 20.2009 (2010), pp. 272-284*

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## **II. AIR AND ATMOSPHERE**

### **3. Global Climate**

#### **1) Introduction**

The fifteenth Conference of the Parties (COP 15) to the United Nations Framework Convention on Climate Change (UNFCCC) and the fifth Conference of the Parties serving as Meeting of the Parties to the Kyoto Protocol (CMP 5) took place on 7–18 December 2010 in Copenhagen. According to the ‘Bali Action Plan’, the ‘roadmap’ of the negotiations agreed at COP 13/CMP 3 in Bali in 2007, the Copenhagen conference was to deliver a comprehensive agreed outcome on the future climate regime. Meeting this deadline was of urgency not only because of the ever more alarming messages from climate science, but also because the first commitment period of the Kyoto Protocol expires in 2012. As ratification of a new agreement can be expected to take at least two years, a timely agreement on post-2012 emission targets is needed to prevent a ‘gap’ after 2012. Expectations were high as more than 100 Heads of State and Government had announced their attendance and more than 40,000 participants had registered their names.

However, despite a record number of five preparatory meetings over the course of 2009, the fundamental differences between Parties proved to be too difficult to overcome. The main outcome of the conference, the ‘Copenhagen Accord’, is only a political declaration, and even this declaration was not supported by all countries. In addition, Parties agreed to continue negotiations into 2010.

#### **(2) Negotiations on the Bali Building Blocks**

The negotiations on the future climate regime are structured into four main ‘building blocks’: mitigation, adaptation, financing, and technology co-operation. According to the Bali Action Plan, the negotiations are proceeding under two tracks. First, the ‘Ad Hoc Working Group on Further Commitments by Annex I Countries under the Kyoto Protocol (AWG-KP)’, which was established at CMP 1 in Montreal in 2005, is negotiating future emission targets for industrialised countries (listed in Annex I of the UNFCCC). Second, while the ‘Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA)’ also negotiates commitments for Annex I countries, in practice this in particular relates to those that have not ratified the Protocol – that is, the USA. In addition, the AWG-LCA negotiations ‘nationally appropriate mitigation actions (NAMAs)’ of developing countries, which are to be supported and enabled by industrialised countries through technology, financing and capacity-building. Both the NAMAs and the support are to be undertaken in a measurable, reportable and verifiable manner. Finally, the AWG-LCA negotiates ways to enhance adaptation efforts of developing countries, which are also to be financially and technologically supported by industrialised countries.

On mitigation, further action is needed that goes far beyond what has been agreed so far under the UNFCCC and the Kyoto Protocol to “prevent dangerous anthropogenic interference with the climate system”, according to its Art. 2 the ultimate objective of the UNFCCC. However, the definition of what would constitute a ‘dangerous’ interference is already one of the main areas of controversy in the negotiations. The EU and other countries have posited that the increase of the global average surface temperature should be at maximum 2°C compared to pre-industrial levels. The small island developing states (SIDS)

and least developed countries (LDCs), which are the most vulnerable to the impacts of climate change, even demand to keep temperature increase below 1.5°C. By contrast, industrialised countries outside the EU and the large rapidly industrialising developing countries have been very reluctant to commit to any definition of what would constitute a ‘dangerous’ interference.

The most ambitious scenarios assessed by the Intergovernmental Panel on Climate Change (IPCC) in its fourth assessment report consider stabilisation of greenhouse gas (GHG) emissions at 445-490 parts per million (ppm) and project that this would lead to a temperature increase of 2.0-2.4°C. To achieve stabilisation at these levels, these scenarios consider a peak of emissions in the timeframe 2000-2015 and a reduction of emissions by 50-85 per cent by 2050 compared to 2000 levels (IPCC; Climate Change 2007: Synthesis Report 67 (2007)).

Against this background, the level of effort so far achieved by the international community is weak. Under the Kyoto Protocol, industrialised countries committed to reducing their emissions by 5.2 per cent below 1990 levels. According to date from the UNFCCC Secretariat, GHG emissions from all Annex I countries as a whole (excluding land-use change and forestry) did in fact decrease by 5.2 per cent from 1990 to 2007. However, the decrease was mainly due to a decline of more than 40 per cent in emissions from Central and Eastern European countries with economies in transition (EITs). Emissions from non-EIT countries have increased by 12.8 per cent

([http://unfccc.int/files/ghg\\_data/ghg\\_data\\_unfccc/image/jpeg/trends\\_including\\_2009.jpg](http://unfccc.int/files/ghg_data/ghg_data_unfccc/image/jpeg/trends_including_2009.jpg)).

Moreover, while the primary responsibility of Annex I countries for combating climate change is widely accepted, it is clear that emissions from non-Annex I countries have been rapidly increasing. The international community therefore faces a momentous challenge. Due to the lack of action so far, what is now required if ambitious GHG stabilisation levels are still to be achieved is a programme for drastic emission reductions in a very short timeframe.

However, negotiations continue to be dominated by controversy about how to interpret the UNFCCC’s principle of common but differentiated responsibilities. Non-Annex I countries point to the historical responsibility of Annex I countries for creating the climate problem and insist that industrialised countries should therefore take the lead in combating climate change, as they have committed to in Art. 3.1 of the UNFCCC. Annex I countries for their part point to the rapidly rising emissions in the large rapidly industrialising countries and demand that they need to step up their efforts as well.

Apart from specific numbers and actions this controversy also revolves around the legal structure of the future agreement. Industrialised countries are, by varying degrees, in favour of a new universal framework that would supersede the Kyoto Protocol and cover all countries. The argument of industrialised countries for creating a universal framework is to make it easier to adequately cover all major emitting countries.

In addition, the USA have demanded a new structure that should be “very different” from the Kyoto Protocol. They reject the top-down approach favoured by the EU and developing countries, according to which first an overall mitigation target would be decided for industrialised countries, which would then be broken down to the individual countries according to their relative responsibility and capability. According to the USA, the future regime should be based on a bottom-up approach. In this version, each country would basically determine its own level of ambition and the international system would mainly be a collection of actions implemented domestically.

Non-Annex I countries have denounced these positions as “killing Kyoto”. They see the Protocol as the only binding instrument for emission reductions the international community has so far been able to create and reject any suggestion to abandon it. They also see a continuation of the Protocol as a key prerequisite for maintaining the distinction between industrialised and developing countries. Creating a unified treaty would in their view

blur this distinction and create a ‘slippery slope’ where developing countries would soon also be asked to adopt binding emission targets. In their view the two AWGs should have two separate results: On the one hand new emission targets for Annex I countries under the Kyoto Protocol and on the other hand an agreement under the UNFCCC. The latter would cover commitments by the USA, mitigation actions by non-Annex I countries, adaptation, as well as financial and technological support from Annex I to non-Annex I countries.

As regards the level of ambition, the ‘ranges table’ in the IPCC’s fourth assessment report has become a widely discussed benchmark. It synthesises the studies that were available at the time of writing on how to share the global mitigation effort equitably based on parameters such as emissions per capita, GDP per capita or historic emissions. According to this table, in order to achieve stabilisation of atmospheric concentrations at 450 ppm CO<sub>2</sub>-eq. Annex I countries should collectively reduce their emissions by 25-40 per cent by 2020 compared to 1990 levels, and non-Annex I countries should achieve a “substantial deviation from baseline”. The IPCC at the time did not quantify the deviation from baseline. A further article by the two main authors of the table put the necessary deviation at 15-30 per cent below business as usual (Michel den Elzen and Niklas Höhne; Reduction of greenhouse gas emissions in Annex I and non-Annex I countries for meeting concentration stabilisation targets, An editorial comment, 91; Climatic Change, 249 (2008)).

It needs to be noted, though, that many developing countries have fiercely disputed that the two ranges actually constitute an equitable effort sharing. Also, stabilisation at 450 ppm CO<sub>2</sub>-eq. is only barely in line with the 2°C target and not at all in line with the 1.5°C target demanded by the most vulnerable countries. At Copenhagen, they defended their position with unprecedented determination and forcefully stated that they had not come there “to sign a suicide pact”.

What industrialised countries had put on the table did not even approach the IPCC range, however. On the surface, their pledges in Copenhagen amounted to 11-19 per cent below 1990 levels by 2020. However, these figures contained substantial loopholes. One is the presence of “hot air”, the surplus assigned amount units (AAUs) allocated to the EIT countries under the Kyoto Protocol. Another loophole is the accounting rules for land use, land-use change and forestry (LULUCF). Most Annex I countries have proposed to account their LULUCF emissions based on projections rather than historic emissions. As these projections often include increased logging, countries would thus effectively be able to hide emission increases.

Taking all these loopholes into account, Copenhagen might well have resulted in an Annex I emissions increase of 2-8 per cent compared to 1990 instead of a decrease (Sustainability Council of New Zealand; Loopholes Negate Pledges for Emission Reductions, <[http://www.sustainabilitynz.org/news\\_item.asp?sID=205](http://www.sustainabilitynz.org/news_item.asp?sID=205)>).

By contrast, the large non-Annex I countries have put substantial national action programmes on the table. According to the UNFCCC secretariat these would amount to a 28 per cent deviation from ‘business as usual’ by 2020. Executive Secretary Yvo de Boer summarised in his final press conference in Copenhagen, pledges by non-Annex I countries are at the upper end of their ‘range’ while Annex I countries are not even at the lower end of the range suggested by the IPCC.

While mitigation has always been central to the climate negotiations, adaptation, financing and technology used to be relatively marginalised topics. While Art. 4 of the UNFCCC already requires Annex II countries – these are the most wealthy Annex I countries, essentially Annex I without the EIT countries – to financially and technologically support non-Annex I countries to enable them to implement adaptation and mitigation measures, demands of developing countries for actual implementation of these provisions used to receive little attention by industrialised countries. This changed drastically with adoption of

the Bali Action Plan and the subsequent negotiations. As industrialised countries want developing countries to strengthen their mitigation efforts, the latter now have a strong bargaining chip to demand increased assistance.

Controversies revolve in particular around the scale of assistance as well as around the institutional framework for delivering assistance. Regarding the scale of assistance, various studies have put to the costs of adaptation and mitigation in developing countries at hundreds of billions of dollars per year. This amount is at least one order of magnitude higher than the assistance so far provided through the UNFCCC's financial mechanism and other multilateral or bilateral funds. In addition, while developing countries emphasise the need for reliable public funding from industrialised countries, those in turn highlight the need to mobilise private sources through market mechanisms.

Regarding the institutional framework, industrialised countries want to provide financing through bilateral or established multilateral channels such as the World Bank and the Global Environment Facility (GEF). They argue that the expertise of these institutions should be used and point to the costs and effort involved with establishing new institutions. By contrast, developing countries perceive the existing institutions to be donor-dominated. They also complain that the procedures to access funding through these institutions require too much effort. They have therefore proposed to establish a new fund under the UNFCCC that would be fully accountable to the COP and operate according to the rule of one country one vote. Furthermore, in their view only resources provided through such a new fund should be counted towards industrialised countries' financing commitments under the UNFCCC and the Bali Action Plan.

The controversies on technology are similarly structured. Here as well developing countries demand a dedicated mechanism to promote technology transfer that would be funded by industrialised countries. Industrialised countries argue that technologies follow investments and put the onus on developing countries to improve their national framework conditions to attract foreign direct investment. A particular controversy concerns intellectual property rights (IPRs). Developing countries argue that IPRs substantially increase the costs of accessing technology and are hence a key barrier to technology transfer. Industrialised countries argue that IPRs are a precondition for fostering research and development as they are key for assuring innovators that their efforts will be rewarded.

Over the course of 2009 and in Copenhagen, negotiators were able to narrow the differences on the technical details. However, there was little movement on the fundamental issues of effort sharing, that is, who should contribute how much to mitigating climate change, how much assistance developing countries would require for mitigation and adaptation and which channels should be used to deliver this assistance.

### **(3) The Copenhagen Accord**

As it became apparent that the AWG negotiations were not going to bridge the divides, the Danish presidency launched a high-level 'Friends of the Chair' group in parallel, probably to avoid the embarrassing situation of having 120 Heads of State and Government assembled at a summit without a formal outcome. This group consisted of about 30 countries who were mostly represented by their Heads of State and Government. As this process was separate from the UNFCCC process and took place completely behind closed doors there are only partial accounts of what actually happened.

At 3 a.m. on Saturday, Prime Minister Rasmussen re-opened the COP plenary and explained that he had consulted with leaders and mobilised support for an accord. He then asked Parties to consult within their groups and reconvene an hour later. This announcement

provoked a barrage of objections from developing countries. The objections related to both the process and the content. On the process, developing countries complained about the intransparency and lack of respect for the UN process. On content, especially SIDS and LDCs attacked the accord as much too weak.

The debate dragged on until Saturday afternoon. In the end, it was not possible to formally adopt the Accord, as the Presidency had intended. Instead, the COP was only able to agree on “taking note of” the Accord. Formally, only Tuvalu, Venezuela, Bolivia, Cuba, Costa Rica, and Nicaragua voiced explicit opposition to formal adoption of the Accord. However, many other countries made clear that they would accept the Accord only with strong misgivings.

The language in the Copenhagen Accord (CA) is mostly vague (Decision -/CP.15, Copenhagen Accord, Advance unedited version). While the CA does include a reference to the 2°C target, it is not in the form of a commitment. Instead, there is a “recognition” of the “scientific view that the increase in global temperature should be below 2 degree Celsius.” The CA also includes a call for review in 2015, which would include consideration of the 1.5°C target, a concession to SIDS and LDCs.

The CA does not contain any mid-term or long-term emission targets, neither for countries nor globally. Instead, the CA initially contained two empty appendices. Annex I countries were to inscribe emission targets for 2020 into Appendix I by 31 January. Non-Annex I countries, except LDCs and SIDS, were to inscribe nationally appropriate mitigation actions in Appendix II, also by 31 January.

On adaptation, the CA agrees that “enhanced action and international cooperation on adaptation is urgently required” and “that developed countries shall provide adequate, predictable and sustainable financial resources, technology and capacity building to support the implementation of adaptation action in developing countries”.

On financing, the CA foresees USD 30 billion of “new and additional resources“ for the period 2010-2012 as collective commitment by developed countries “with balanced allocation between adaptation and mitigation“ – but without clarifying what “balanced allocation” should mean. In addition, industrialised countries commit to a goal of mobilising jointly USD 100 billion a year by 2020 to meet the needs of developing countries. The figure of USD 100 billion had been introduced by US Secretary of State Hillary Clinton in her speech to the plenary in the second week of the conference, which had been crucial in preventing an outright collapse of the conference. The funding is supposed to come “from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance.” The CA envisages the establishment of a “High Level Panel” to study the potential contributions from different sources of revenue.

The CA also establishes a “Copenhagen Green Climate Fund” and a “Technology Mechanism”. The Accord decides that the Copenhagen Green Climate Fund shall be established as an operating entity of the financial mechanisms of the Convention to support projects, programmes, policies and other activities in developing countries related to mitigation, adaptation, capacity building, technology development and transfer. However, the CA contains no details on the implementation of the fund or the Technology Mechanism.

Initially, there was no clarity on the function of the CA for the further development of the climate regime. Some observers were of the opinion that it was only a snapshot of the current state of the negotiations and should merely serve as an input to the ongoing AWG negotiations. Others thought that the CA represented a fundamental “reset”. They posited that the CA was going to be the main future framework, that it would potentially be developed further outside the UNFCCC and that the UNFCCC would be relegated to the function of a notary. However, various countries such as the BASIC countries have by now decidedly taken the position that the CA should serve merely as input to the AWG negotiations.

The CA and the AWG texts would then serve as complementary documents. The AWG texts have progressed considerably on the implementation details but agreement on the fundamental questions has so far been impossible. By contrast, the CA addresses the fundamental issues but has next to no details on implementation. This relates for example to the Copenhagen Green Climate Fund and the Technology Mechanism. The CA has resolved that there shall be a technology mechanism and a new fund, but as the CA contains no details on their implementation it will now fall to the AWG-LCA to fill in these details based on the current negotiation texts.

#### **(4) From ‘Hopenhagen’ to ‘Flophenagen’?**

In the runup to the COP the Danish government had dubbed its capital ‘Hopenhagen’ to denote the expectations that rested on the conference. Afterwards, many disappointed observers renamed it ‘Flophenagen’.

The formal outcome of the Copenhagen climate summit is indeed as weak as could possibly have been imagined. Instead of an agreement that would set the world on an emission reduction trajectory, there is only a political declaration, and not even this declaration was supported by all countries.

Indeed, the way in which the Copenhagen Accord has been negotiated has led to a massive erosion of trust between Parties. In the final plenary, many countries massively criticised the process as having been fundamentally intransparent and undemocratic. Small-group settings may be indispensable to facilitate an agreement, but countries must choose themselves whether they wish to be in the room or be represented by others.

On substance, the Copenhagen Accord has no clear commitment to the 2°C target, much less the 1.5°C target. The offers by industrialised countries for emission reduction targets did not move a single inch between the start and the end of the conference. Even encouraging signals may turn out to be hollow in the end. While the support of industrialised countries for mobilising up to 100 billion USD in financial assistance for developing countries by 2020 may be welcomed, it is as yet completely unclear where this money is supposed to come from and there is no guarantee that industrialised countries will not simply relabel the funding they have pledged for achieving the Millennium Development Goals.

On mitigation, 55 countries met the 31 January deadline for inscribing targets and actions in the annexes in the CA. By the beginning of March 109 countries had made submissions. Content-wise most submissions did not deviate from the pledges made before Copenhagen. Canada weakened its pledge from -3 per cent by 2020 to +3 per cent against 1990, while Iceland strengthened its pledge from -15 per cent to -30 per cent (a list of all submissions is available at: <http://unfccc.int/home/items/5262.php>).

Collectively, the pledges add up to much less than would be required to maintain a good chance of meeting the 2°C target, let alone the 1.5°C target. The “Climate Action Tracker” ([www.climateactiontracker.org](http://www.climateactiontracker.org)) by Ecofys, Climate Analytics and the Potsdam Institute for Climate Impact Research concludes that current pledges would lead to a temperature increase of more than 3°C by 2100. According to this analysis, 2020 emissions would need to lie below 40-44 Gt CO<sub>2</sub>-eq. to maintain a 50:50 chance of limiting global warming to 2°C. Business as usual based on current policies is projected at around 57 Gt CO<sub>2</sub>-eq. The Climate Action Tracker estimates that the weakest pledges would deliver a reduction of 2 Gt CO<sub>2</sub>-eq. from ‘business as usual’ (BAU), while even the strongest pledges would achieve only 7 Gt CO<sub>2</sub>-eq. – leading to 2020 emissions of 50-55 Gt CO<sub>2</sub>-eq.

Based on analysis by McKinsey, Project Catalyst similarly posits a need for limiting 2020 emissions to 44 Gt CO<sub>2</sub>-eq. while projecting BAU emissions at 58 Gt CO<sub>2</sub>-eq.

According to this analysis, the low-end pledges would deliver reductions of about 5 Gt CO<sub>2</sub>-eq. while the high-end pledges would deliver about 9 Gt CO<sub>2</sub>-eq. – leading to 2020 emissions of 49-53 Gt CO<sub>2</sub>-eq. Project Catalyst also highlights that if emissions are not brought on a 2°C trajectory by 2020, it would hardly be possible to return to a 2°C trajectory post-2020. According to their analysis, this would require a reduction from BAU of 30 Gt CO<sub>2</sub>-eq. in 2030, while they estimate that only 19 Gt CO<sub>2</sub>-eq. will be feasible below costs of USD 60 per tonne. The main reason is that massive amounts of capital stock will be built and replaced until 2020. For example, more than half of the power supply required in 2020 has yet to be built. If these replacements and additions are built using high-emission technology, reducing emissions by 30 Gt CO<sub>2</sub>-eq. by 2030 would require abandoning huge amounts of capital stock before the end of its useful life (Project Catalyst; Taking stock – the emission levels implied by the pledges to the Copenhagen Accord, Briefing paper, February 2010.).

On finance, the Accord touches upon the two most critical issues, mobilisation of the needed amount of financial resources and an equitable and effective institutional structure of the funding mechanisms. However, details on “effective and efficient fund arrangements” are missing entirely in the Accord, as well as any attempt to quantify the finance that will be made available by when. Also, there is no clear language on whether this “new multilateral funding” will be truly additional to existing Official Development Assistance (ODA) commitments.

It bears noting that the CA is not the only outcome of Copenhagen. The two Ad-hoc Working Groups have achieved substantial progress in narrowing down the options. Yet the AWGs did not manage to resolve the “big ticket” issues. The hope was that the ministers and Heads of State and Government would be able to strike the grand bargains on fundamental issues and thus pave the way for a successful outcome. However, the disagreements were obviously too fundamental to bridge.

#### **(4) Pathways to Mexico**

Viewed in a broader context, the road from Bali to Copenhagen has not been without its successes. In particular, the Copenhagen deadline injected a significant dynamic into national discussions. One country after the other elaborated its targets and actions and presented them to the international audience. The last two years have therefore led to a much better understanding of national mitigation potential and what actions can be taken. This dynamic would hardly have happened without the Copenhagen deadline.

Nonetheless, the challenge is formidable. It has become clear that none of the major emitters is prepared to move unless everybody else moves as well:

- The industrialised countries that have ratified the Kyoto Protocol are not prepared to go any further without significant action by the USA and the rapidly industrialising developing countries. Ideally, they want to have the Protocol replaced by a new universal framework that also covers the USA and the rapidly industrialising developing countries. In particular Japan and Russia have explicitly stated that their emission reduction pledges are not meant for a second Kyoto period.
- The G-77 and China want the Kyoto Protocol to continue as a reflection of industrialised countries’ historical responsibility, in parallel to a separate outcome under the LCA.
- The USA insists on a bottom-up approach where countries would more or less only notify internationally what they have previously decided to do nationally. They also

insist that the degree of bindingness must be the same for all the major emitters. A demand that is vehemently rejected by developing countries.

Clearly, therefore, Parties are not ready to agree on a comprehensive global framework to fight climate change. Continuing the current package approach aiming for a comprehensive agreement where “nothing is agreed until everything is agreed” is therefore probably a recipe for continuing the current stalemate. At the same time, the message from climate science is clear: action over the next years is crucial if there is to be any chance of keeping global warming below 2°C.

It may therefore be sensible to take a more piecemeal approach to constructing the future climate regime and prioritise actions over form while the fundamentals of a comprehensive agreement are negotiated. COP 16/CMP 6 in Cancún, Mexico should therefore adopt an interim agreement that is capable of delivering immediate emission reductions and laying the groundwork for eventual adoption of a comprehensive treaty or treaties. Such a Cancún Plan of Action could have the following key planks: First, a firm commitment to negotiate a comprehensive treaty or treaties within a realistic timeframe, such as 2015, and second, an interim framework to cover the interval including the following elements:

- A firm commitment to agree on industrialised country targets for a five-year second commitment period under the Kyoto Protocol by COP 17 in 2011 at the latest.
- Integration of US climate legislation, which should be passed before COP 16.
- Transposition of the NAMAs notified under the CA into the UNFCCC process, with a firm commitment to develop a fully functional system for implementing these NAMAs, associated financial, technological and capacity building support by Annex I countries and MRV under the LCA track by COP 17 in 2011 at the latest. These would initially be adopted in the form of COP decisions, establishing the basis for working towards a treaty format by 2015.

Non-Annex I countries have posited continuation of the Kyoto Protocol as a fundamental precondition for their engagement. A demonstration by industrialised countries that they are prepared to take the lead is therefore a key element for building the necessary trust that will be needed to eventually forge a comprehensive agreement. Moreover, non-Annex I countries have done what Annex I have demanded. They have stepped up and submitted credible mitigation targets and actions that are able to deliver substantial emission reductions.

The ball is therefore now back in the field of Annex I countries. In addition, from the practical side, the Kyoto Protocol is the only instrument the international community currently has for delivering emission reductions, and it is an instrument that is fully operational and credible. Abandoning Kyoto in favour of creating a new approach from the ground up would set the international community back by several years at least, which climate protection cannot afford.

Furthermore, building trust among developing countries will require to implement the financial provisions of the CA. In addition to actually delivering the money, this money should in fact be new and additional instead of simply being repurposed from development budgets.

As for the LCA track, once the package approach is given up and the issue linkage with Annex I targets is removed, agreements might be found more easily. The LCA texts have in fact progressed substantially in shrinking the number of pages and brackets. For example, the facilitator of the REDD-plus negotiations recounts that agreement on REDD-plus was within reach in Copenhagen, but was held back by the controversies about the fundamentals of the new regime (Tony La Vina; Ways Forward after Copenhagen: Reflections on the Climate

Change Negotiating Process by the REDD-plus Facilitator, 2 February 2010, <<http://www.field.org.uk/news/redd-plus-facilitator-tony-la-vi%C3%B1a-suggests-ways-forward-after-copenhagen>>). In addition, while the CA fails in the area of mitigation targets, its appendix does now spell out the mitigation actions developing countries are prepared to take, and it has provided some helpful political input on the implementation of mitigation actions and associated support from Annex I countries. The focus should now be put on transferring the NAMAs inscribed in the Copenhagen Accord to the UNFCCC process and on elaborating the modalities for the Copenhagen Green Climate Fund, the Technology Mechanism, and measuring, reporting and verification of actions and associated support.

As for the USA, the window of opportunity opened by the Democratic election victory in 2008 may already be closing. The mid-term election in November 2010 is currently expected to lead to Democratic losses or even an overall Republican victory, which would probably forestall US climate action for years to come. In addition, the passage of health care reform has removed a major obstacle as the health care debate fully absorbed available capacity. Leaders from the EU and other countries should therefore communicate directly to the Obama administration and members of Congress that passage of climate legislation in 2010 is of vital importance.

Evidently, such messages will be all the more credible the more they are backed up by commitments from the governments who send them. And it bears reminding that increasing numbers of citizens, states, cities and businesses are demanding that the USA should step up to the plate. If the other Annex I countries go ahead with a second Kyoto commitment period and non-Annex I countries go ahead with credibly implementing NAMAs, the USA might quickly find itself in a position of being the laggard of international climate policy. Such a situation might help to create the political space that is needed to pass US climate legislation.

Indeed, concerned citizens will have a key role to play in all countries where democratic expression is possible. Protecting the climate will not become an overriding priority for governments as long as their voters do not demand it or even fear its economic costs. Any major transformation is bound to produce winners as well as losers, and the prospective losers usually have a much clearer picture of what is going to happen to them than the prospective winners and are therefore much more motivated to defend their interests. Such delaying tactics will only be overcome if citizens make climate change an issue which elections are fought over, put politicians on the spot and demand that they put the public interest over narrow special interests.

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